

## Message Text

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ORIGIN ARA-14

INFO OCT-01 ISO-00 SCS-03 L-03 SCA-01 USIE-00 SNM-02  
JUSE-00 DHA-02 DEAE-00 H-01 SSO-00 /027 R

DRAFTED BY ARA/AND - MR. LEVINE:D - MR. OXMAN:LEE  
APPROVED BY ARA/AND - MR. BARNEBEY  
SCS - FSTEVENS  
USIA/LA - VPACE (INFO)  
L - EVERVILLE

-----072226Z 104413 /64

O 072143Z JUN 77  
FM SECSTATE WASHDC  
TO AMEMBASSY LA PAZ IMMEDIATE

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E.O. 11652: N/A

TAGS: CASC, BL

SUBJECT: US CITIZEN PRISONERS: IS DEPORTATION LEGAL?

REFS: LA PAZ 4065, STATE 116960

1. DEPARTMENT APPRECIATES DETAILED RESPONSE IN LA PAZ 4065 TO OUR INQUIRY CONCERNING POSSIBILITY OF DEPORTATION.
  2. WE NOTE THAT PARAGRAPH ONE OF LA PA, 4065 EMPHASIZES THAT THERE ARE ONLY EXTREMELY LIMITED CRITERIA WHICH CAN BE USED AS A BASIS FOR DEPORTATION. HOWEVER, WE WOULD ASK EMBASSY TO CONSULT ONCE AGAIN WITH EMBASSY LEGAL ADVISERS TO BE ABSOLUTELY CERTAIN THAT THERE ARE NO LACUNAE IN BOLIVIAN LAW THAT WOULD ALLOW DEPORTATION OF EVEN SOME OF THE PRISONERS. SPECIFIC QUESTIONS THAT OCCUR TO US AND WHICH WE WOULD LIKE EMBASSY LEGAL ADVISERS TO ANSWER ARE AS
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FOLLOWS: SINCE DEPORTATION IS AN EXECUTIVE OPTION PRIOR TO THE TIME DEFENDENT IS TURNED OVER TO THE COURTS FOR TRIAL, IS THERE ANY WAY COURTS CAN IN EFFECT RETURN THE DEFENDENT TO THE EXECUTIVE BRANCH BEFORE SENTENCING COULD FISCAL, FOR EXAMPLE, UNILATERALLY DROP CHARGES IN CASE WHERE EVIDENCE IS WEAK AND IN EFFECT RETURN THE CASE TO THE EXECUTIVE BRANCH FOR FURTHER PROCESSING, INCLUDING

DEPORTATION, OR MUST DECISION TO DROP CHARGES ONLY COME

FROM JUDGES AS IN FRYER CASE? FURTHER, IS DEPORTATION  
A REMEDY THE JUDGE MAY DISPENSE? IF SO, AT WHAT POINT OR  
POINTS IN THE PROCEEDING MAY HE DISPENSE IT? CAN DEFENDENT  
PLEAD GUILTY AND REQUEST (AND HAVE A REASONABLE CHANCE OF  
OBTAINING) A SENTENCE OF DEPORTATION?

3. IF EMBASSY LEGAL ADVISERS HAVE PREPARED ANY MEMORANDUM  
OF LAW ON DEPORTATION QUESTION PURSUANT TO OUR INQUIRIES,  
PLEASE CABLE IT TO US ASAP. IF THEY HAVE NOT, PLEASE ASK  
THEM TO DO SO AS PROMPTLY AS POSSIBLE AND TO CONSIDER IN  
IT ALL OF THE QUESTIONS SET FORTH ABOVE AS WELL AS ANY  
OTHER QUESTIONS THEY CONSIDER PERTINENT.

4. REPLY IS REQUESTED ASAP. VANCE

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** EXTRADITION, LAW, PRISONERS, COURT PROCEEDINGS  
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**Copy:** SINGLE  
**Sent Date:** 07-Jun-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Document Source:** CORE  
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**Drafter:** MR. LEVINE:D - MR. OXMAN:LEE  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Message ID:** ba223a83-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN ARA  
**Original Classification:** LIMITED OFFICIAL USE  
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**Original Previous Classification:** n/a  
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**Reference:** 77 LA PAZ 4065, 77 STATE 116960  
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**Review Content Flags:**  
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**Status:** NATIVE  
**Subject:** US CITIZEN PRISONERS: IS DEPORTATION LEGAL?  
**TAGS:** CASC, CARR, PGOV, BL, US  
**To:** LA PAZ  
**Type:** TE  
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**Review Markings:**  
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